

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, May 5, 2011
Regular Meeting - 6:30 p.m.

EARL MCDANIEL
Chairperson

ROBERT HAWKINS

FRED AMERI

CHARLES UNSWORTH

MICHAEL TOERGE

BARRY EATON

BRADLEY HILLGREN

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

JAMES CAMPBELL, Acting Planning Director

MICHAEL TORRES, Deputy City Attorney

GREGG RAMIREZ, Senior Planner

TONY BRINE, City Traffic Engineer

ROSALINH UNG, Associate Planner

ERIN STEFFEN, Planning Technician

GAYLENE OLSON, Department Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
REGULAR MEETING
Thursday, May 5, 2011
6:30 p.m.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. PUBLIC COMMENTS**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to 3 minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

- E. REQUEST FOR CONTINUANCES**
- F. CONSENT ITEMS**

ITEM NO. 1 Minutes of April 21, 2011

ACTION: Approve and file.

ITEM NO. 2 In-Lieu Fee Credit Irvine Company

SUMMARY: Establishment of In-Lieu Fair Share Fee Credit toward North Newport Center for Construction of a Third Eastbound Left Turn Lane on San Joaquin Hills Road at MacArthur Boulevard

CEQA

COMPLIANCE: This activity is not subject California Environmental Quality Act (CEQA) as the action is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061.b.3 of the CEQA Guidelines).

ACTION: Approve and file.

- G. PUBLIC HEARING ITEMS**

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 3 Via Lido Amendments (PA2011-024)
3363, 3369 & 3377 Via Lido and 3378 Via Oporto

SUMMARY: The property owner is seeking to continue the existing nonconforming commercial uses of the subject property by requesting the following amendments:

- 1) General Plan Land Use designation from Multiple-Unit Residential (RM) to Mixed-Use Vertical (MU-V),
- 2) Coastal Land Use Plan designation from Multiple-Unit Residential (RM-D) to Mixed-Use Vertical (MU-V), and
- 3) Zoning designation from Multiple-Unit Residential (RM) to Mixed-Use Vertical (MU-V).

No new land use or development is proposed at this time.

CEQA COMPLIANCE: The project is categorically exempt under Section 15302 of the California Environmental Quality Act (CEQA) Guidelines – Class 2 (Replacement or Reconstruction).

ACTION:

- 1) Conduct public hearing; and
- 2) Adopt Resolution No. ____ recommending the City Council:
 - Approve General Plan Amendment No. GP2011-003,
 - Approve Local Coastal Plan Amendment No. LC2011-002, and
 - Approve Code Amendment No. CA2011-005

ITEM NO. 4 Pemstein Residence Minor Use Permit and Variance (PA2010-173)
2430 Holiday Road

SUMMARY: Minor use permit to allow senior accessory dwelling (granny) unit and two related variance requests to allow for the construction of 1) a garage addition to encroach 2 feet into the easterly 10-foot side yard setback and 2) an 8 foot high wall to encroach into the 10-foot easterly side yard setback. The application also includes a request for variance approval to retain nine (9) as-built over-height structures located within required setbacks including: four (4) arbors, three (3) walls, a free-standing fireplace and a storage shed.

CEQA COMPLIANCE: The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures).

ACTION:

- 1) Staff requests a continuance of this item to May 19, 2011.

H. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 Planning Director's report.

ITEM NO. 6 Planning Commission reports.

ITEM NO. 7 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 8 Request for excused absences.

ADJOURNMENT